

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARIANNE O'TOOLE, et al.,

Plaintiffs,

-v-

CITY OF NEW YORK, et al.,

Defendants.

CIVIL ACTION NO. 15 Civ. 6885 (LTS) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

On July 7, 2022, the Honorable Laura Taylor Swain issued a Memorandum Opinion and Order granting in part and denying in part a Motion for Summary Judgment filed by the City of New York, William J. Bratton, James P. O'Neill, Christopher McCormack, and Constantin Tsachas. (ECF No. 322). Following Chief Judge Swain's decision, Plaintiffs Marianne O'Toole (as Chapter 7 Trustee of the Estate of Pedro Serrano) and Sandy Gonzalez ("Plaintiffs") sought leave to file a third amended complaint. (See ECF Nos. 346-1; 354; 354-1 (the "Motion to Amend")). On December 2, 2024, the undersigned issued a Report and Recommendation recommending that: (1) the Motion to Amend be granted in part and denied in part, and (2) Plaintiffs be permitted to (i) "take a two-hour deposition of [Former Commissioner of the New York City Police Department Raymond] Kelly" and (ii) "re-open the deposition of [Defendant Christopher] McCormack for one hour [(the "Outstanding Depositions"))][.]" (ECF No. 363 (the "R&R")). The R&R recommended that the Outstanding Depositions be "limited to the subject of [Plaintiff Serrano's transfer from the 40th Precinct of the New York City Police Department to the 33rd Precinct]." (Id. at 38). On July 26, 2023, Chief Judge Swain adopted the R&R in full. (ECF No. 371).

Throughout 2024, the parties engaged in settlement discussions. (See ECF Nos. 373; 381; 383; 386; 388; 390). When these efforts proved unsuccessful, the undersigned oversaw a settlement conference in which the parties participated. (See ECF No. 392; ECF min. entry Oct. 11, 2024). The parties, however, did not reach an agreement, and this case is therefore set to proceed to trial—once, that is, they have completed the Outstanding Depositions. To ensure this matter proceeds expeditiously, it is hereby ORDERED that Plaintiffs complete the Outstanding Depositions by **November 27, 2024**. By **December 4, 2024**, the parties shall file a joint letter certifying completion of the Outstanding Depositions. No extensions will be granted absent extraordinary cause.

Dated: New York, New York  
October 23, 2024

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge